

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Theodore Stevie Varner,  
  
Petitioner,

Civil 10-4738 ADM/FLN

v.

O R D E R

United States of America,  
  
Respondent.

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Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated December 1, 2010, all the files and records, and no objections having been filed to said Report and Recommendation,

**IT IS HEREBY ORDERED** that:

1. Petitioner's application for habeas corpus relief under 28 U.S.C. §2241 [Docket No. 1] is **DENIED**;
  2. Petitioner's application for leave to proceed in forma pauperis, (Docket No. 2), is **DENIED**; and
  3. This action is summarily **DISMISSED** without prejudice.
- LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: February 1, 2011.  
at Minneapolis, Minnesota

s/Ann D. Montgomery  
JUDGE ANN D. MONTGOMERY  
United States District Court